

Before the  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED

In the Matter of

Request for Review by Consorcio de Escuelas  
y Bibliotecas de Puerto Rico of Decisions of  
Universal Service Administrator

Federal-State Joint Board on Universal Service

Changes to the Board of Directors of the  
National Exchange Carrier Association, Inc.

CC Docket No. 96-45

CC Docket No. 97-21

Academia Adventista del Noroeste*	)	Billed Entity # 197675
Academia Advenstista del Norte - Arecibo*	)	Billed Entity # 197735
Academia Adventista de Maunabo	)	Billed Entity # 200001
Academia Adventista Metropolitana	)	Billed Entity # 200453
Academia Adventista de Mucarabones	)	Billed Entity # 200631
Academia Adventista de Naguabo	)	Billed Entity # 200002
Academia Cristiana Un Nuevo Amanecer*	)	Billed Entity # 225255
Academia Paraiso de Dorado	)	Billed Entity # 199798
Academia Regional Adventista Central - Caguas	)	Billed Entity # 199854
Academia Regional Adventista del Norte - Vega Baja	)	Billed Entity # 199993
Academia Regional Adventista del Sur	)	Billed Entity # 200263
Academia Santa Rosa de Lima	)	Billed Entity # 158956
Academia Santo Tomas de Aquino Elemental - Bayamon	)	Billed Entity # 200583
Colegio Bilingue Light of the Children	)	Billed Entity # 205527
Colegio Catolico Notre Dame Elemental - Caguas	)	Billed Entity # 199857
Colegio Congregacion Mita, Inc.	)	Billed Entity # 222553
Colegio Immaculada Concepcion	)	Billed Entity # _____
Colegio Neustra Senora Del Carmen	)	Billed Entity # 158961
Colegio Nuestra Senora del Rosario - Vega Baja	)	Billed Entity # 198187
Colegio Nuestra Senora del Rosario - Ciales	)	Billed Entity # 158867
Colegio Sagrada Familia - Corozal	)	Billed Entity # 198178
Colegio San Rafael - Quebradillas	)	Billed Entity # 158943
Colegio Santa Rosa Elemental - Bayamon	)	Billed Entity # 200582
Colegio San Juan Bautista - Orocovis	)	Billed Entity # 159097
Colegio San Miguel Elemental - Utuado	)	Billed Entity # 198185
Colegio San Miguel Secundario - Utuado	)	Billed Entity # 198186
Biblioteca Electronica Municipio de Aibonito*	)	Billed Entity # 223688
Biblioteca Municipal de Bayamon Dr. Agustin Stahl	)	Billed Entity # 223698

Biblioteca Municipal de Bayamon	)	Billed Entity # 223699
Biblioteca Municipal Canovanas Ernesto Cora Vega)		Billed Entity # 223713
Biblioteca Municipal de Catano Alberto Davila Fuentes	)	Billed Entity # 223676
Biblioteca Municipal de Cortes, Manati	)	Billed Entity # 223677
Biblioteca Muncipal de Guaynabo	)	Billed Entity # 223701
Biblioteca Muncipal de Juncos, Jose M. Gallardo	)	Billed Entity # 223704
Biblioteca Municipal de Montebello, Manati	)	Billed Entity # 223679
Biblioteca Municipal de Pugnado, Manati	)	Billed Entity # 223685
Biblioteca Publica Aguas Buenas*	)	Billed Entity # 199610
Biblioteca Publica de Area Aibonito	)	Billed Entity # _____
Biblioteca Publica Arecibo	)	Billed Entity # 199613
Biblioteca Publica Barceloneta*	)	Billed Entity # 199615
Biblioteca Publica Ciales	)	Billed Entity # 199621
Biblioteca Publica Patillas, Pedro Albizu Campos*	)	Billed Entity # 199661
Biblioteca Publica Fajardo	)	Billed Entity # 199627
Biblioteca Publica Yabucoa	)	Billed Entity # 199701
Biblioteca Publica de Arroyo*	)	Billed Entity # 223689
Biblioteca Publica Rio Grande*	)	Billed Entity # 199664
Biblioteca Publica de Cidra*	)	Billed Entity # 199622
Biblioteca Publica Comerio	)	Billed Entity # 199624
Biblioteca Publica Guanica	)	Billed Entity # 199630
Biblioteca Publica de Luquillo*	)	Billed Entity # 223716
Biblioteca Publica San Juan, La Peria	)	Billed Entity # 199686
Biblioteca Publica de Utuado *	)	Billed Entity # 199695
Biblioteca Publica Humacao Antonio A. Roig	)	Billed Entity # 199642
Biblioteca Publica Las Marias	)	Billed Entity # 199649

To: Common Carrier Bureau

### **Request for Review and Waiver**

Pursuant to Sections 54.719(c) and 54.721 of the Commission's Rules, 47 C.F.R. §§ 54.719(c), 54.721, the above-referenced applicants ("Applicants") and the Consorcio de Escuelas y Bibliotecas de Puerto Rico ("CEBPR") hereby request review of the attached actions (Exhibit

1)<sup>1</sup> of the School and Libraries Division (“SLD”) of the Universal Service Administrative Company rejecting the above-referenced applications for Year 4 funding because the mailing of the Block 6 Certifications and Item 21 Attachments were not postmarked before the end of the Year 4 filing window ending January 18, 2001. To the extent necessary, Applicants and CEBPR further request a waiver of Section 54.507(c) of the Commission’s Rules, 47 C.F.R. § 54.507(c), and any other FCC rule or SLD policy to permit the consideration of the applications. For the reasons set forth below, the Commission should direct the SLD to accept the applications as having been timely filed during the SLD’s filing window for funding Year 4.

Applicants are members of CEBPR, a consortium of schools and libraries in Puerto Rico, who filed electronically the above-referenced Form 471 applications with SLD on behalf of the Applicants. The electronic filing of all applications was properly completed by the close of the Year 4 filing window on January 18, 2001. Based on CEBPR’s understanding of the program’s procedural requirements, the paper executed Block 6 Certifications and Signature part of the applications and Item 21 Attachments were promptly placed in the United States mail for delivery to SLD on either Friday or Saturday January 19 or 20, 2001. To the best of our knowledge, all mailed papers were received by SLD no later than Monday, January 22, 2001.

Over 11 months after the submission of the applications, on November 29 well after the start of the program year and the continuation of existing services by the service provider to many of the Applicants, the above-referenced applications were rejected by SLD solely because the mailing of the Block 6 Certifications and/or Item 21 attachments were postmarked after the

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<sup>1</sup> With respect to the 12 institutions listed in the case caption with an asterisk (\*), notifications of the rejection of the application have not been received as of this date and are therefore not attached. These applications were filed by CEBPR in the same way as all other applications which are the subject of this and CEBPR’s earlier two pending requests for review and waiver. Accordingly, to avoid the need for further filings, they are being included in this request for review and waiver at this time.

2001-2002 filing window closed on January 18, 2001. The rejection notifications are attached as Exhibit 1.<sup>2</sup>

The mailing deadline (by the close of the window) was a new requirement for program Year 4. In prior years, Applicants filing electronically were accorded several days after the close of the filing window in which to submit the required paper documentation. No notice of the new and more stringent filing requirement was given by the FCC or SLD on either the paper or electronic version of the Year 4 Form 471 application form and accompanying FCC Form 471 Instructions. Accordingly, CEBPR was not aware of the changed filing requirement.

As hereinafter shown, SLD's attempt to impose this more burdensome and stringent filing requirement only through informal and unofficial web site publications that were not approved by the Office of Management and Budget ("OMB") violates the Paperwork Reduction Act. As the Form 471 form itself notes, "an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number." See Block 6, Notice to Individuals. The scope of the "currently valid OMB control number" for Form 471 encompasses only the actual form and accompanying FCC Form 471 Instructions which were followed by CEBPR in this case. Absent OMB approval, more burdensome and stringent information filing requirements lawfully cannot be imposed by SLD. Moreover, SLD's rejection of Applications that were properly filed electronically contravened the Electronic Signatures in Global and National Commerce Act and cannot be sustained for this reason.

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<sup>2</sup> In addition to this Request for Review and Waiver, CEBPR's Requests for Review and Waiver, filed August 23, 2001, and September 7, 2001 of the rejection of other applications for the same reason is currently pending before the FCC. CEBPR requests that all appeals be considered on a consolidated basis.

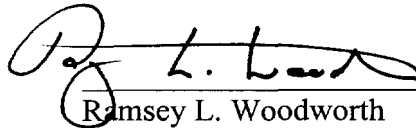
The factual circumstances and issues in this request for review and waiver are identical to those raised in other requests for review and waiver filed by the CEBPR on behalf of other members which are now pending before the Commission. See Request for Review and Waiver, filed by CEPBR on August 23, 2001 and Request for Review and Waiver, filed by CEPBR on September 7, 2001. These Requests for Review and Waiver are incorporated by reference herein and a copy of the September 7th request is attached as Exhibit 2.

For these reasons, the SLD's rejection of the above-referenced applications should be reversed and the SLD directed to reinstate the applications for normal consideration as applications filed within the filing window. To the extent necessary, the Commission should waive the requirements of Section 54.507(c) and any other Commission Rule or SLD policy, and direct SLD to deem the above-referenced applications as having been timely filed.

Respectfully submitted,  
CONSORICO DE ESCUELAS Y  
BIBLIOTECAS DE PUERTO RICO



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Executive Director, CEBPR  
and Contact Representative  
for the Applicants



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Edgar Class III  
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Washington, DC 20005-2004  
Tel: (202) 783-8400  
Counsel for CEBPR

December 27, 2001

**EXHIBIT 1**  
**SLD/USAC REJECTIONS OF APPLICATIONS**

**YOUR FORM 471 HAS BEEN RECEIVED -  
BUT POSTMARKED AFTER THE JANUARY 18 WINDOW CLOSED**

We're sending this card to thank you for your recent Form 471 application but also to let you know that your application, Block 6 Certifications, and/or Item 21 attachments were postmarked after the 2001-2002 filing window closed at 11:59 p.m. ET on January 18, 2001.

We are holding your application/attachments. However, your Form 471 application will not be considered for discount funding for the 2001-2002 Funding Year. Sufficient funds are not available.

For more information about the processing of 2001-2002 applications, about appealing the status of your Form 471 application, or about plans for the 2002-2003 application process, please visit our web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). If you do not have access to the Internet, please call the Client Service Bureau at 1-888-203-8100.

Schools and Libraries Division  
Universal Service Administrative Company



Schools and Libraries Division  
P.O. Box 7026  
3833 Greenway Drive  
Lawrence, KS 66044-7026



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ACADEMIA MAUNABO  
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00901-2304

**ATTENTION:**  
**2001-2002 E-RATE APPLICANTS**  
**Applicant Form Identifier: EC2-017**

**MAILING DATE:**  
**November 28, 2001**

03



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**ATTENTION:**  
**2001-2002 E-RATE APPLICANTS**  
**Applicant Form Identifier: EC2-020**

**MAILING DATE:**  
**November 28, 2001**

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**ATTENTION:**  
**2002 E-RATE APPLICANTS**  
**Applicant Form Identifier: CE2-001**

**MAILING DATE: 2001-**  
**November 28, 2001**

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HANDMETED 01/28/01

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**ATTENTION:**  
**2001-2002 E-RATE APPLICANTS**

**MAILING DATE:**  
**November 28, 2001**



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**ATTENTION:**  
**2001-2002 E-RATE APPLICANTS**  
**Applicant Form Identifier: NE4-013**

**MAILING DATE:**  
**November 28, 2001**

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ATTENTION:  
2001-2002 E-RATE APPLICANTS  
Applicant Form Identifier EC2-031

MAILING DATE:  
November 28, 2001



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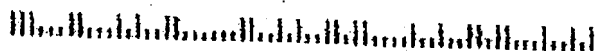


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**ATTENTION:**  
**2001-2002 E-RATE APPLICANTS**  
Applicant Form Identifier: EC2-023

**MAILING DATE:**  
**November 28, 2001**

63



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**ATTENTION:**  
**2001-2002 E-RATE APPLICANTS**  
**Applicant Form Identifier: EC2-024**

**MAILING DATE:**  
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ATTENTION:  
2001-2002 E-RATE APPLICANTS  
Applicant Form Identifier: EC1-010

MAILING DATE:  
November 28, 2001

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ATTENTION:  
2001-2002 E-RATE APPLICANTS  
Applicant Form Identifier: EC2-033

MAILING DATE:  
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